

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ROBERT G. BREWNER,**

**Plaintiff,**

**v.**

**DANA HOLDING CORPORATION, a/k/a**

**DANA CORPORATION,**

**Defendant.**

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**NO.10-CV-489-WDS**

**SHOW CAUSE ORDER**

**STIEHL, District Judge:**

Before the Court is Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 37 and 41(b), and also before the Court is defendant's motion for summary judgment (Doc. 15) seeking judgment on the grounds that plaintiff's injury occurred more than ten years after the sale of the allegedly defective product, and is therefore barred by the Illinois Statue of Repose.

Plaintiff alleges that he was injured when he fell out of a dump truck belonging to the Perry County Highway Department and that his injury occurred while he was employed as a road repair worker. He claims that the hydraulic pump on the truck malfunctioned and caused him to slip and fall. Plaintiff has not filed a response to defendant's motion for summary judgment.

Moreover, defendant also asserts that in September of 2010 it propounded interrogatories and requests to produce, as well as special interrogatories, which plaintiff has, to date, not answered. The Court's discovery schedule required plaintiff to disclose any experts and produce their Fed. R. Civ. P. 26 reports by November 15, 2010, and to tender them for deposition by December 15, 2010. The plaintiff has not complied with any of these deadlines. The Court notes that discovery in this

matter closes on March 8, 2011, and all dispositive motions must be filed by March 23, 2011.

The Court notes that the plaintiff has not responded to either the motion for summary judgment or the motion to dismiss. Nor has plaintiff sought any extensions of any of the Court's discovery deadlines.

Upon review of the record, the Court **HEREBY DIRECTS** plaintiff to show cause within seven (7) days of this Order why this matter should not be dismissed for want of prosecution. The plaintiff and his counsel have not, to date, participated in discovery and have not responded to any of the pending motions. Failure to show cause in this matter within seven (7) days will result in dismissal of this action for want of prosecution. Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED**

**DATE: 25 February, 2011**

**/s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**